## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:17-00101-RJC

REBEKAH SPARKS,	)
Plaintiff,	) ) )
v.	) )
	ORDER
NANCY A. BERRYHILL,	)
ACTING COMMISSIONER	)
OF SOCIAL SECURITY,	)
	)
Defendant.	)
	)

**THIS MATTER** comes before the Court on Defendant's Consent Motion to Remand this case to the Commissioner for further action. (Doc. No. 11). Under sentence four of 42 U.S.C. § 405(g), "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." See also Shalala v. Schaefer, 509 U.S. 292, 296–97 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 98 (1991).

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Government's request to remand this action for further administrative proceedings, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings, including a supplemental hearing.

Upon remand, the Administrative Law Judge shall hold a supplemental hearing, assess the nature and severity of the claimant's impairment(s), assess whether the severity of the claimant's

condition meets or equals the requirements of a Listing and, if not, the limitations that could reasonably have resulted from the claimant's impairment(s).

The Court hereby **REVERSES** the decision of the Commissioner and **REMANDS** this case for further administrative proceedings.

## IT IS, THEREFORE, ORDERED, for good cause shown:

- 1. Defendant's Consent Motion to Remand, (Doc. No. 11), is **GRANTED**;
- 2. Plaintiff's Motion for Summary Judgment, (Doc. No. 9), is **DISMISSED as moot**; and
- 3. The Clerk of Court is directed to enter a separate judgment pursuant to Federal Rule of Civil Procedure 58 and to close this case.

Signed: April 17, 2018

Robert J. Conrad, Jr.

United States District Judge